IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3996 OF 2006

Shri Narayan Gopinathan ..Petitioner

Vs.

Shri Satheesan Shreedharan ..Respondent

Mr. P.M. Mokashi for petitioner.

CORAM: B.H. MARLAPALLE, J.

Date : August 14, 2006.

P.C.:

1. The limited point which is agitated in this petition is the rate of interest that is awarded by the trial court while decreeing Special Civil Suit No.25 of 2000. The decree states that the principal amount was Rs.2,92,400/- and the interest that is to be paid is at the rate of 15% per annum from the date of filing of the suit till the realisation. As per the learned counsel for the petitioner an amount of Rs.2,15,000/- has been paid to the plaintiff in instalments starting from 29/7/2003 to 10/1/2005. He also states that the principal amount of Rs.2,15,000/- and Rs.77,000/- interest component till the date of filing of the suit and thus making the original

recovery at Rs.2,92,400/-. As per the learned counsel the decree suffers on two counts, namely, charging interest on interest of Rs.77,000/- and charging interest at the rate of 15% per annum. Challenge to the decree on both the counts or any one of them can be agitated by filing an appeal or revision as the case may be and this petition cannot be entertained.

2. The petition is, therefore, rejected summarily.

(B.H. Marlapalle,J.)